IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 3242 of 2005

Between:

G.Chitti Babu Rao, S/o.Subba Rao,
APSRTC, (Removed from service), O/o.Manager, Mushirabad

Depot, Mushirabad, Hyderabad.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Mushirabad Depot, Mushirabad, Hyderabad.
2. The Divisional Manager, APSRTC, Chairman Division, Koti Ts., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in issuing the impugned removal order by proceedings No.2/95(2)/2003-MSRD, dt.1-6-2004 and its consequential proceedings No.PA/19 (108/2004-DVM) (CRMR) dt.24-1-2005 as illegal arbitrary and disproportionate punishment and consequently this Hon'ble court may be pleased to set aside the impugned order dt.1-6-2004 and 24-1-2005 with a direction to reinstate the petitioner into service by holding that the punishment is disproportionate, with all consequential benefits.

Counsel for the Petitioner:MR.M.R.TAGORE

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

This writ petition is filed questioning the orders dated 01.06.2004 and 24.01.2005 on the ground that the punishment imposed is disproportionate to the proved misconduct.

The facts of the case are not in dispute.

The only contention raised by the learned counsel for the petitioner is that the punishment is disproportionate to the proved misconduct and, therefore, he seeks necessary directions. To substantiate his contention, he relied upon the judgment of this Court reported in **K.BALANAGI REDDY V. APSRTC**, wherein it is held that when the impugned order is highly disproportionate, then this Court can interfere with the punishment.

There is no dispute about proposition of law when the punishment is disproportionate to the proved misconduct, this Court can modify the punishment. As a review lies to the Regional Manager against the impugned order, this Court is of the view that the petitioner can as well avail the said remedy by filing review to the competent authority.

Hence, the writ petition is disposed of directing the petitioner to file a review petition before the competent authority. No costs.

23.02.2005

usd

To

1. The Depot Manager, APSRTC, Mushirabad Depot, Mushirabad, Hyderabad.
2. The Divisional Manager, APSRTC, Chairman Division, Koti Ts., Hyderabad.
3. Two CD copies.
4. 1 CC to MR.TAGORE (OUT)

*Form-NIC-OGS/WP{**JA**}*